

IN RE: PETITION FOR SPECIAL EXCEPTION
NE/Corner Park Heights Avenue and
Rainbow Court
(10901 Park Heights Avenue)
3rd Election District
3rd Councilmanic District

Deborah Anne Yazdani and
Robert J. Gaudet - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-165-X
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Deborah Anne Yazdani and her fiancé, Robert J. Gaudet. The Petitioners request a special exception to permit a massage therapeutical office on the subject property, pursuant to Sections 1A04.2.B.11 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Deborah Yazdani, property owner, and I. William Chase, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were numerous residents from the surrounding community, all of whom signed the Protestants' Sign In Sheet. Some of the Protestants were represented by Benjamin Bronstein, Esquire. Also appearing in opposition to the Petitioners' request were Jack Dillon and Loren Friedel, representatives of the Valleys Planning Council, and Jeff Perlow, a Code Enforcement Inspector with the Department of Permits and Development Management. In addition, Detective George Rakowski with the Baltimore County Police Department, appeared and testified on behalf of the Protestants.

Testimony and evidence offered on behalf of the request revealed that the subject property consists of a gross area of 1.0078 acres, more or less, zoned R.C.5, and is improved with 4,000 sq.ft. single family dwelling. The property is located on the northeast corner of Park Heights Avenue and

ORDER RECEIVED FOR FILING

Date

By

Rainbow Court in the Greenspring Valley area of Baltimore County. Ms. Yazdani testified that she and her fiancé, Dr. Robert Gaudet, purchased the subject property approximately one year ago and that she has been performing massage therapy in her home since their ownership of the property. The Petitioner utilizes one of the bedrooms in the house for the purpose of providing massage therapy. Ms. Yazdani testified that she sees, at most, five clients per week at her home. In addition, she performs some massages off-premises at the clients' home. Ms. Yazdani testified that she was not aware that a special exception was necessary in order to operate in her home. It was brought to her attention in August, 1998 when an undercover investigation by Baltimore County Police determined that massages were taking place in this residence. As a result of that police matter, the Petitioners filed the special exception request to legitimize their operation.

Appearing and testifying on behalf of the Protestants was Detective George Rakowski, a representative of the Baltimore County Police Department's Vice Unit. Det. Rakowski testified concerning an incident that took place at the subject property on August 13, 1998. In response to an advertisement that he saw in a local newspaper, Det. Rakowski called the Petitioners' residence on Park Heights Avenue to make an appointment for a massage. Det. Rakowski testified that Ms. Yazdani was not present when he arrived for his appointment. Another young lady, by the name of Lucia Marongoni, met him at the house and proceeded to give him a massage while she was completely nude. Ms. Marongoni was arrested for this incident; however, Ms. Yazdani was not charged, given that she was not home at the time. While Ms. Yazdani was not charged in that case, the incident did occur in her home. Det. Rakowski also testified that he observed other massage stations located in the basement of the house, which indicated to him that more than one individual was performing massages in the home. Det. Rakowski further testified concerning another vice investigation which involved Ms. Yazdani; that investigation occurred at a different location in Baltimore County on Village Mill Circle. Det. Rakowski submitted into evidence as Protestants' Exhibits 1A and 1B, photographs of Ms. Yazdani which were taken at the time of that investigation.

CLERK RECEIVED FOR FILING
1/1/99
By [Signature]

One of those photographs depicts Ms. Yazdani in her bra and underwear giving a massage to an undercover police officer. Det. Rakowski also submitted as Protestants' Exhibits 2A and 2B, a business card belonging to Ms. Yazdani advertising "Dreamscape Productions" on one side with a nude photograph of her on the reverse side. As a result of that investigation, Ms. Yazdani was charged with performing massages without a license; however, those charges were later dismissed when the matter proceeded to Court.

The Petitioners are requesting a special exception, pursuant to Section 1A04.2.B.11 of the B.C.Z.R., which permits as follows:

"Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees." (Bill No. 105-1982)

While Ms. Yazdani's profession as a massage therapist is not specifically cited as one of the professional occupations in that Section, she is attempting to incorporate her particular occupation under the catch-all phrase "or other professional persons" found within that provision. In order for me to determine whether a particular individual satisfies the requirements of that catch-all provision, it becomes necessary to look at the credentials of the particular applicant. A similar situation came before me in March 1994, in Case No. 94-275-SPHX, in which the Petitioners, David Zinman, and more particularly, his wife, Mary Zinman, requested a special hearing for a determination that a massage therapist is a professional occupation which falls under the provisions of the above-cited Section. After considering the credentials of Ms. Zinman, I found that her occupation as a massage therapist did in fact fall within the category of "other professional persons" as contained in Section 1A04.3.B.11 and approved her special exception request for a professional office in her home as a massage therapist.

As with all special exception requests that proceed under this particular provision of the B.C.Z.R., it is necessary to review the qualifications of each particular applicant. Ms. Yazdani's educational credentials were impressive. Submitted into evidence cumulatively as Petitioner's Exhibits 2A were a number of certificates and degrees evidencing her qualifications in the profession of massage therapy. Many of the certificates obtained by Ms. Yazdani were similar to those presented by Mrs. Zinman in Case No. 94-275-SPHX. I find from the many certificates submitted in this case that Ms. Yazdani does, in fact, possess the necessary educational requirements to fall into the category of a professional massage therapist. However, my analysis of whether an individual falls into the category of a professional cannot be based solely on educational achievements. It is just as important to analyze the character and conduct of the particular applicant to determine whether that applicant satisfies the definition of a professional person.

The conduct of this particular applicant is somewhat questionable. Ms. Yazdani has been the subject of two prior vice investigations, one of which occurred on the subject site and the other at an off-site Baltimore County location. Photographs submitted by Det. Rakowski show the applicant providing massage therapy in attire that I characterize as less than professional. In addition, the business card submitted by Det. Rakowski showing a semi-nude photograph of the applicant also reflects conduct that is less than professional. Det. Rakowski testified as to the massage he received at the home of the Petitioner by a masseuse who was completely nude. The Detective further testified that he saw evidence of additional massage stations in the basement of the Petitioner's home.

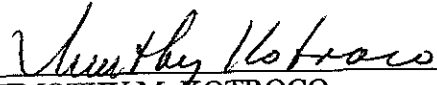
In light of the testimony offered by Det. Rakowski concerning the activities that took place in the Petitioner's home, as well as the photographs submitted by Det. Rakowski, I find that the conduct of Ms. Yazdani falls short of what I would consider to be a professional, as that term is found in Section 1A04.2.B.11 of the B.C.Z.R. For these reasons, I find that this particular applicant has failed to meet the requirements to be classified as a "professional person" and as such, the requested use of

the subject property cannot be approved as a special exception under Section 502.1. Having found that Ms. Yazdani does not satisfy all of the requirements set forth above, the special exception request must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception requested shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of January, 1999 that the Petition for Special Exception to permit a massage therapeutical office on the subject property, pursuant to Sections 1A04.2.B.11 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioners have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/2/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 4, 1999

I. William Chase, Esquire
1190 W. Robert A. Hoffman, Esquire
Baltimore, Maryland 21210

RE: PETITION FOR SPECIAL EXCEPTION
NE/Corner Park Heights Avenue and Rainbow Court
(10901 Park Heights Avenue)
3rd Election District - 3rd Councilmanic District
Deborah Anne Yazdani and Robert J. Gaudet - Petitioners
Case No. 99-165-X

Dear Mr. Chase:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205, Towson, Md. 21204

Mr. Jack Dillon & Ms. Loren Friedel, Valleys Planning Council
207 Courtland Avenue, Towson, Md. 21285-5402

Mr. Jeff Perlow, DPDM; People's Counsel; Case File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10901 PARK HEIGHTS AVENUE

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

MASSAGE THERAPUTICAL OFFICE PURSUANT TO SECTION
1A04.2B.11 AND SECTION 101.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

DEBORAH ANNE YAZDANI
(Type or Print Name)

Signature

ROBERT JOSEPH GAUDET
(Type or Print Name)

Signature

10901 PARK HEIGHTS AVE. (410) 902.5493
Address Phone No.

OWINGS HILLS MD. 21117
City State Zipcode
Name, Address and phone number of representative to be contacted.

JAMES C. SAULER
Name

192 WESTMINSTER PIKE 410.526.5618
Address REISTERSTOWN, 21136 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Revised 9/5/95

99-165-X

165

W. T. SADLER SURVEYORS

Phone [410] 526-5618

152 Westminster Road

Fax [410] 526-7199

Reisterstown, Maryland 21136

James C. Sadler

Date October 9, 1998

ZONING DESCRIPTION

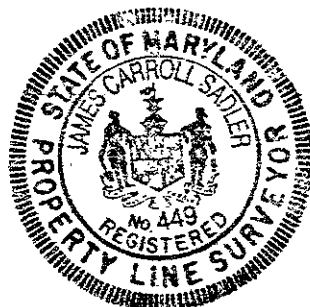
Property Address; 10901 Park Heights Avenue
Owings Mills, MD. 21117


Beginning for the same at the intersection of the corner formed by the Easternmost side of Park Heights Avenue, and the north end of a fillet curve of the northernmost side of Rainbow Court, 50 feet wide, thence binding along the outlines of said property

- 1) north 01 degrees 21 minutes 38 seconds west 221.95 feet
- 2) north 88 degrees 38 minutes 22 seconds east 143.00 feet
- 3) south 20 degrees 12 minutes 10 seconds east 225.29 feet
- 4) along a curve to the right with a radius of 290.00 feet a distance of 141.27 feet
- 5) south 88 degrees 38 minutes 22 seconds west 55.00 feet and
- 6) along a curve to the right with a radius of 25.00 feet a distance of 39.27 feet to the place of beginning, as recorded in Liber 12442 folio 574.

Said property being known and designated as Lot 4, Block A, as shown on a Plat of Section One, RAINBOW PARK, which Plat is recorded among the Land Records of Baltimore County in Plat Book 22, folio 131, containing 43,902 Sq. Ft. or 1.0078 Acres of Land, more or less.

The premises thereon being known as 10901 PARK HEIGHTS AVENUE.




James C. Sadler Reg. No. 449

44.165-X 165

No. 060723

ND

BALTIMORE COUNTY, MAR
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

16 Oct 98

ACCOUNT

R-001-6150

DATE

165 \$ 300.00

AMOUNT

SADLER FOR YAZDANI / GADEL

RECEIVED FROM:

10901 Park Heights Ave

FOR:

PAID RECEIPT

ACCT NO

1111

09/16/1998 10/16/1998 10:15:26

09/16/1998 10/16/1998 10:15:26

5 MISCELLANEOUS CASH RECEIPT

060723

060723

300.00 CASH

Baltimore County, Maryland

99-165-X

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

DISTRIBUTION
WHITE - CASHIER

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #88-185-X
10801 Park Heights Avenue
NEC Park Heights Avenue and
Rainbow Court
3rd Election District
3rd Councilmatic District
Legal Owner(s): Deborah Anne
Yazdani & Robert Joseph
Gaudet

Special Exception: for a mas-
sage therapeutic office.
Hearing: Monday, December
7, 1988 at 2:30 p.m. in
Room 407, County Courts
Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations.
Please Call (410) 887-3353.
(2) For information concern-
ing the file and/or hearing,
Please Call (410) 887-3351.

11/238 Nov. 19 C274142

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 19, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 19, 1998.

THE JEFFERSONIAN,

A. H. Erickson

LEGAL AD. - TOWSON

RE: Case No.:

99-165-X

Petitioner/Developer: W. SADLER, ETAL

% W. SADLER, L.S.

Date of Hearing/Closing: 12/7/98

@ 2:00 PM

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 10901 PARK HEIGHTS AVE

The sign(s) were posted on

11/21/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 12/2/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Page 1 (410) 985-8571

ZONING NOTICE

Case: 99165-X

A PUBLIC HEARING WILL BE HELD AT
THE ZONING COMMISSIONER
TOWSON, MD.

PLACE: ROOM 111, COUNTY COURTS BUILDING
TIME & DATE: MONDAY DEC 7, 1998 AT 2:00 PM

SPECIAL EXCEPTION FOR A
MASSAGE THERAPUTICAL OFFICE
PERSUANT TO SECTION 1A.04.2.B.11
AND SECTION 101 BCZR
#10901 PARK HEIGHTS AVE

FEES WILL BE COLLECTED BY PMOKEEFE-410-666-5366
(DO NOT REMOVE)

ADJUSTMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOLELY
THE RESPONSIBILITY OF THE PETITIONER.
PLEASE ARRIVE 15 MINUTES BEFORE THE SCHEDULED HEARING DATE.
IF YOU DO NOT APPEAR, YOUR CASE WILL BE FORWARDED TO THE BOARD.

RE: PETITION FOR SPECIAL EXCEPTION
10901 Park Heights Avenue, NEC Park Heights
Avenue and Rainbow Court, 3rd Election District,
3rd Councilmanic

Legal Owners: Deborah Yazdani and Robert Gaudet

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-165-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to James C. Sadler, 152 Westminster Pike, Reisterstown, MD 21136, representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 29, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-165-X
10901 Park Heights Avenue
NEC Park Heights Avenue and Rainbow Court
3rd Election District – 3rd Councilmanic District
Legal Owner: Deborah Anne Yazdani & Robert Joseph Gaudet

Special Exception for a massage therapeutical office.

HEARING: Monday, December 7, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Deborah Yazdani & Robert Gaudet
James C. Sadler

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 22, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
November 19, 1998 Issue - Jeffersonian

Please forward billing to:

Deborah Yazdani 410-902-5493
10901 Park Heights Avenue
Owings Mills, MD 21117

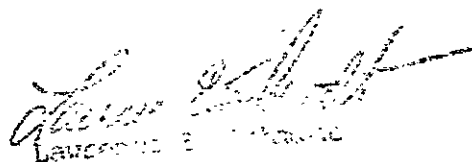
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Building, 401 Bosley Avenue



Lawrence E. Schmidt

LS
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-165-X

Petitioner: Deborah YAZDANI

Address or Location: 10901 PARK Heights Ave.
Owings Mills, MD. 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah YAZDANI

Address: 10901 PARK Heights Ave.
Owings Mills, MD. 21117

Telephone Number: (410) 902-5493

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-165-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special exception for MASSAGE Therapeutic
Office pursuant to Section 1A04.2.B.11
AND Section 101 BC2R.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 1, 1998

Mr. James C. Sadler
W. T. Sadler Surveyors
152 Westminster Road
Reisterstown, MD 21136

RE: Item No.: 165
Case No.: 99-165-X
Location: 10901 Park Heights Ave.

Dear Mr. Sadler:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 16, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 29, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DEBORAH ANNE YAZDANI AND ROBERT
JOSEPH GAUDET

Location: DISTRIBUTION MEETING OF October 26, 1998

Item No.: 165 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 29, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DEBORAH ANNE YAZDANI AND ROBERT
JOSEPH GAUDET

Location: DISTRIBUTION MEETING OF October 26, 1998

Item No.: 165 Zoning Agenda:

Gentlemen:

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REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10.27.97

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

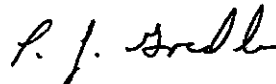
RE: Baltimore County
Item No. 165 CAM

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 129 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Sim
12/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 6, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 10901 Park Heights Avenue

INFORMATION:

Item Number: 165

Petitioner: Yazdani/Gaudet

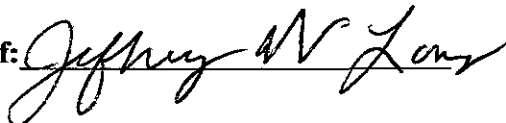
Zoning: RC-5

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

Due to the lack of information provided as part of the filing of the subject request, the staff is unable to review this special exception for compliance with Section 1A04.2B.11 of the Baltimore County Zoning Regulations. It is absolutely essential that the staff know the identity of the person who would be operating this facility. Particularly in this case, and, for that matter in all other such cases, it is important to know the professional person's qualifications and/or certifications. Clearly, if the identity of the person is not known, the qualifications can only be assumed. Therefore, the Office of Planning recommends that the applicants' request be denied.

Section Chief:



AFK/JL:

ALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 10/30/98

SUBJECT: Zoning Advisory Committee
Meeting Date: 10/26/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

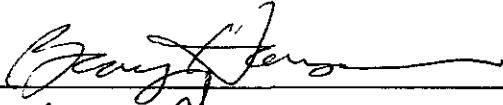



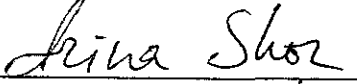
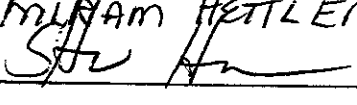
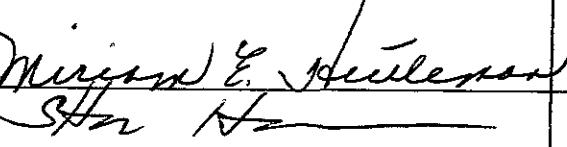

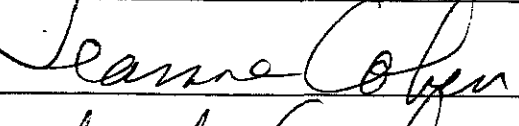


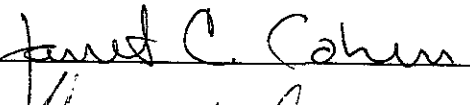
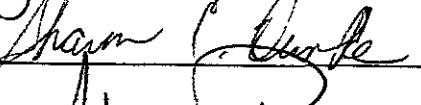

Item #'s:	153 AV	158 -	168
	154 AV	161 -	169
	155 -	162 AV	170
	156 ✓	(165)	
	157 ✓		

RBS:sp

BRUCE2/DEPRM/TXTS8P

We the undersigned hereby object to the proposed use of 10901 Park Heights Avenue as a "Therapeutic Massage Office". We object to its use in any commercial capacity.

We are unable to attend this hearing today.

NAME (PRINTED)	SIGNATURE	ADDRESS
Benjamin J. Hassan		11016 Park Hgts. Ave.
Nina N. Wand		13 Rainbow Ct.
Gary S. Wand		13 Rainbow Ct.
Alex Shor		10 Rainbow Ct
ARINA SHOR		10 Rainbow Ct
MIRIAM HETTLERMAN She 		11014 Park Hts Ave.
STUART HETTLERMAN		11014 Park Hgts Ave.
JEANNE COHEN		11022 Park Heights
JACK COHEN		11022 Park Heights
RADIA COHEN		10806 Longacre LA
JANET COHEN		10806 Longacre LA
Sharon C. Duvkle		3404 Caro Rd. 21117
Stephen Fishbein		5 Melisa Ct 21117

Dec. 5, 1998

To Whom it May Concern:

Sande and Ed Mitchell, who reside at 11000 Park Heights Avenue, are strongly opposed to allowing a "Therapeutic Massage Office" to exist at 10901 Park Heights Avenue. This is a residential neighborhood and should always remain that way. We would very much appreciate your not granting this VARIANCE.

Ed Mitchell Sande Mitchell

Donna Eden
Nine Melisa Court
Owings Mills, Maryland 21117

December 7, 1998

To Whom It May Concern:

My husband, Henry Goldberg, and I
reside at 9 Melisa Court, Owings Mills, MD.
We are opposed to the establishment
of a massage parlor in our neighborhood.

We hereby give Janet Fishbein,
5 Melisa Court, our proxies to speak and
vote for us on this matter.

Donna Z. Eden
Henry Goldberg



FAX COVER SHEET

Jim
12/7

DAVID R. CORNBATH, M.D.

Voice: +1.410.955.2229

Fax: +1.410.502.6737

Pathology 627

600 North Wolfe Street
Baltimore, MD 21287-6965

TO: Mr. T. Kotroco, Deputy Commissioner,
Baltimore County Commissioners Office

FAX #: 410.887.4386

SUBJECT: Case 99-165X

DATE: December 3, 1998

PAGES: 1

Dear Mr. Kotroco,

I am writing concerning the above case to allow a "Therapeutic Massage Office" to exist at 10901 Park Heights Avenue. The zoning application above is inappropriate for the area in which I live as 1) this is a residential area in which many families with small children live (I have 3 children age 6-12), 2) this would increase traffic in our residential area, and 3) the nature of this business is uncertain at best and will likely attract individuals into the area that should not otherwise be there.

I what you to know that I strongly object to this application and urge you to turn it down.

Please keep me informed as to the progress of this application.

Thank you in advance.

Yours sincerely,

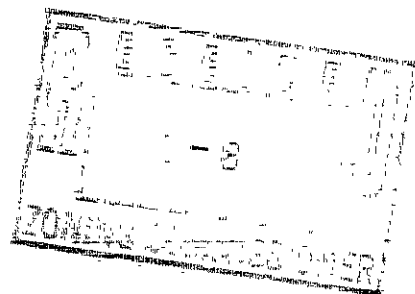
David R. Cornblath

David R. Cornblath, M.D.

10 Melisa Court

Owings Mills, MD 21117-3014

410.581.2369



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

I. William Chase

1190 W. Northlan Pkwy S440124

RAITONCHY, MD 21210

Deborah Yazdani

10901 Park Heights Ave.

Owings Mills, MD. 21117



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Manny Bronstein

Jeffrey Perlow, Code Enf. Officer

Judy Kallins Hassan

Paul Fishbein

Bonnie Miller DVM

Carol Jacobs

Sheldon Jacobs

Winifred Alt

CAREN SHILLMAN

Phil Hyman

Inez S. Benschek

Velvet Valley / Velvet Ridge

Neighborhood Assoc.

Louis ROSENTHAL

ALBERT M. SHAPIRO

Marley Simon

Raisel Shuster

5 Susan Ct 21117

Dept of Permits & Dev. Mgt.
1016 Park Heights Ave 21117

5 Melisa Ct 21117

3 Rainbow Ct 21117

11 Rainbow Ct 21117

11 Rainbow Ct 21117

10910 Park Hts. Ave. 21117

COUNCILMAN MCINTIRE

Manning O

4 Celadon Rd. 21117

4 Celadon Rd 21117

4 SUSAN COURT 21117

1 SUSAN COURT 21117

10909 Park Heights 21117

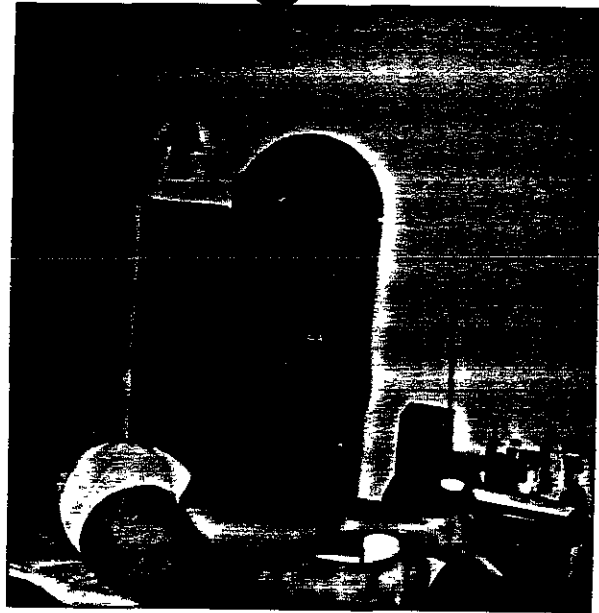
6 Rainbow Ct Md 21117

PROTESTANT(S) SIGN-IN SHEET

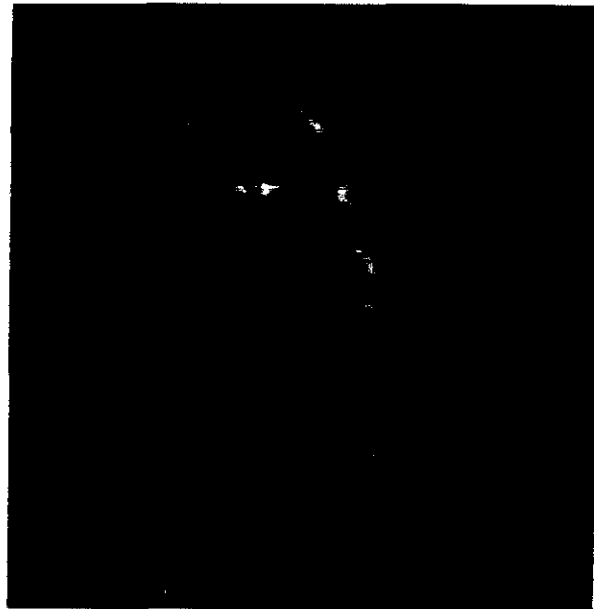
ADDRESS

Robert S. Stein
Cindy Stein
Martin Rothberg
Lais Rothberg
Edith Caplan
Shelley Rothschild
Hank Abernowitz
Martin Kaplan
Risa Schuster
Alvin Schuster
Edgar Rosenbloom
Joan Rosenbloom
By Atwood
Loren Friedel

1A



1B



YAZDANI,

*Dreamscape
Productions*

P.O. Box 2202
Westminster, MD 21158

Jenna

410-876-7522
Pager: 410-264-3017

2A

American Massage Therapy Association®

1998 - 1999

This verifies that

Deborah Anne Yazdani

has successfully met the professional standards established for recognition as a Professional member with Active status in good standing of the American Massage Therapy Association and is hereby granted this certificate of membership.

In witness whereof, this Officer has affixed her hand and the Seal of this Association.



2A

E. Houston LeBrun

E. Houston LeBrun

Organized 1943-Incorporated in the State of Delaware 1960.

This verification expires:

10/31/1999

Baltimore School of Massage

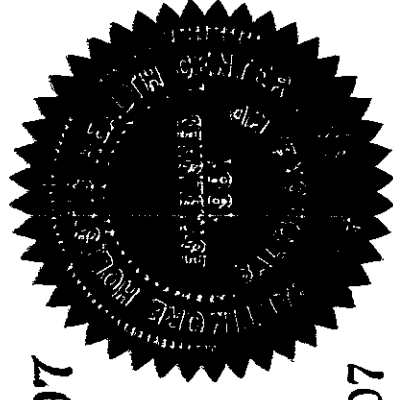
certifies that

Deborah Anne Yazdani

has successfully completed the
500 Hour Professional Massage Training Program
in Advanced Massage and Bodywork
including the study of anatomy and physiology,
and the clinical application of massage.

Therefore, this certificate is awarded
this day 9th of October, 1997


Jerry Toporovsky, Director



6401 Dogwood Road Baltimore, Maryland 21207

Approved by the Maryland Higher Education Commission
Approved by the AMTA Commission on Massage Training Accreditation/Approval

Institute of Hypnotherapy

This is to certify that

Deborah A. Yazdani

having satisfied requirements for graduation prescribed
by this Institution, upon recommendation of the
Faculty and by authority of the Administration,
is awarded a Certificate of Attendance in

Clinical Hypnotherapy

With all rights, honors and Privileges appertaining
thereto. In Testimony Whereof the Authorized Officers
have hereto subscribed their names and the Seal of the School

A. M. Krasner
President

Glenn E. Feldman
Registrar

Date 01/98



Baltimore School of Massage

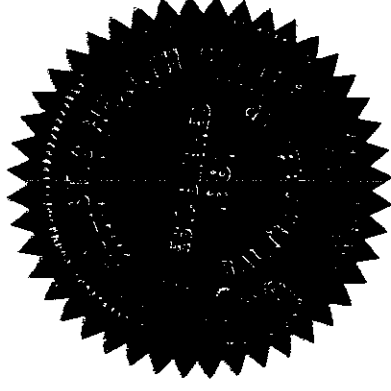
certifies that

Deborah Yazdani

has successfully completed the
100 Hour Basic Program in Massage including
the study of anatomy and physiology, and the
clinical application of massage.

Therefore, this certificate is awarded
this day 1st of March 1996

Jerry Toporovsky
Jerry Toporovsky MsT, Director



National Certification Board for Therapeutic Massage and Bodywork

Let It Be Known That

Deborah A. Yazdani

*has demonstrated the fundamental knowledge required for competency in
this profession and is hereby awarded the designation*

Nationally Certified in Therapeutic Massage and Bodywork



Chapman NCTMB

Kate Jordan

Chair

1998

Certified Since

September 2002

Expiration Date

147085-00

National Certification Number

American Board of Hypnotherapy

BE IT KNOWN THAT

Reuben A. Usdin

having demonstrated knowledge and proficiency satisfactory
to the Examining Committee and by authority of
the Board of Directors is currently a

Certified Hypnotherapist

in good standing and is entitled to all the privileges and rights
accorded thereto. In testimony whereof the authorized officers
have hereto subscribed their names and affixed the Seal of the Board.

E. J. Jones, M.D.
Director

Caroline Miller, A.S.
Secretary

Certificate Number 9921

Expires 11/99



American Board of Hypnotherapy

THIS IS TO CERTIFY THAT

Reuben A. Hazdani

having met the requirements of this Association
is currently a

Registered Hypnotherapist

in good standing and is entitled to all the privileges
and rights accorded thereto.

Ed Jones, M.D.
Director

Caroline Miller, A.S.
Secretary

Expires **01/99**

Certificate Number **9321**

2B



Robert Gaudet M.D.

10901 Park Heights Ave
Owings Mills, MD
21117

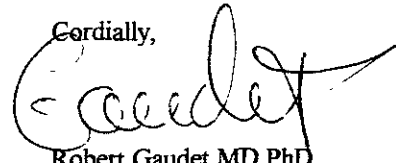
Phone (410) 902-5493
Email rgaudet33@aol.com

December 06, 1998

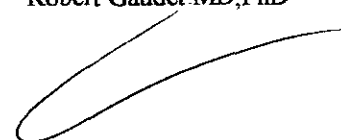
To Whom It May Concern;

I am writing this letter to confirm that I am familiar with Ms Yazdani's professional capabilities as a massage therapist, and find her to be knowledgeable and well trained. I have referred patients to her who suffer from musculoskeletal problems. She has treated them professionally and with good outcomes. I can wholeheartedly recommend her as a well trained and competent massage therapist. Please feel free to contact me if further information is required.

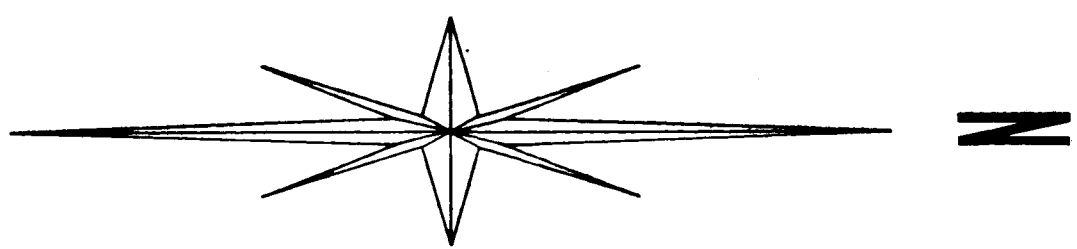
Cordially,



Robert Gaudet MD, PhD



3



FLOOR AREA RATIO CALCULATION

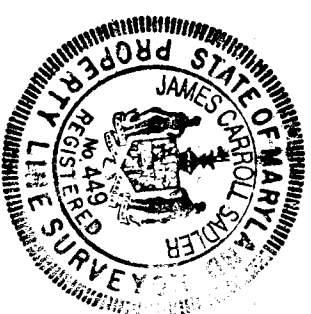
TOTAL FLOOR AREA - 3850 Sq. Ft.
TOTAL GROSS SITE AREA - 57565 Sq. Ft.
FLOOR AREA RATIO - 0.0668 %

FLOOR AREA RATIO CALCULATION FOR PROPOSED OFFICE SPACE

TOTAL FLOOR AREA FOR PROPOSED OFFICE - 436 Sq. Ft.
TOTAL GROSS FLOOR AREA - 3850 Sq. Ft.
FLOOR AREA RATIO - 0.1104 %

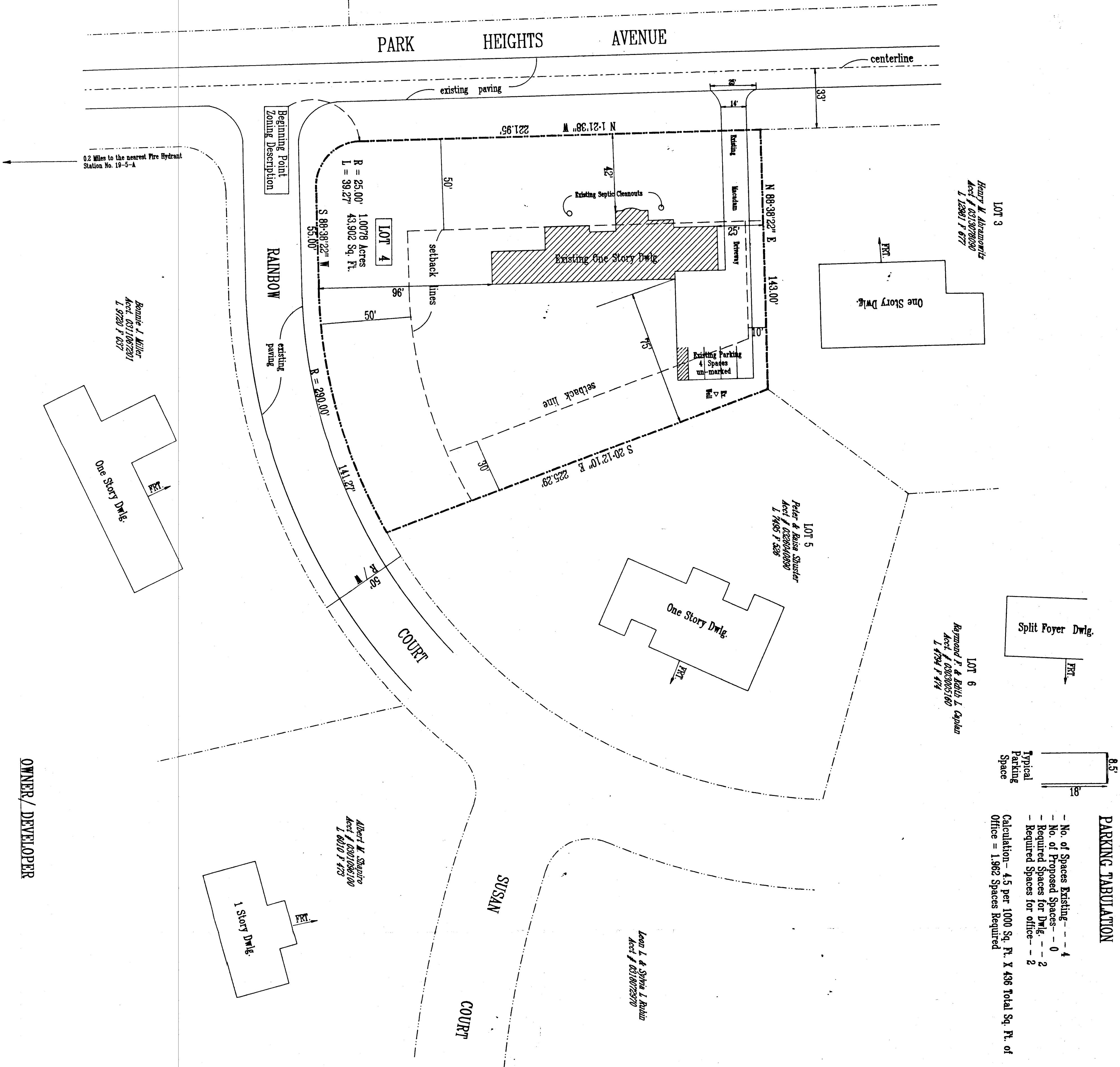
James C. Sadler
Reg. No. 449

W. T. SADLER SURVEYORS
152 Westminster Pike
Reisterstown, MD 21136
Ph. 410-526-5616 Fax 410-526-7199



Day J. Bricker
Acct. # 03170010200
L 9801 P 46

Alvin M. Schneider
Acct. # 03170010200
L 9801 P 47

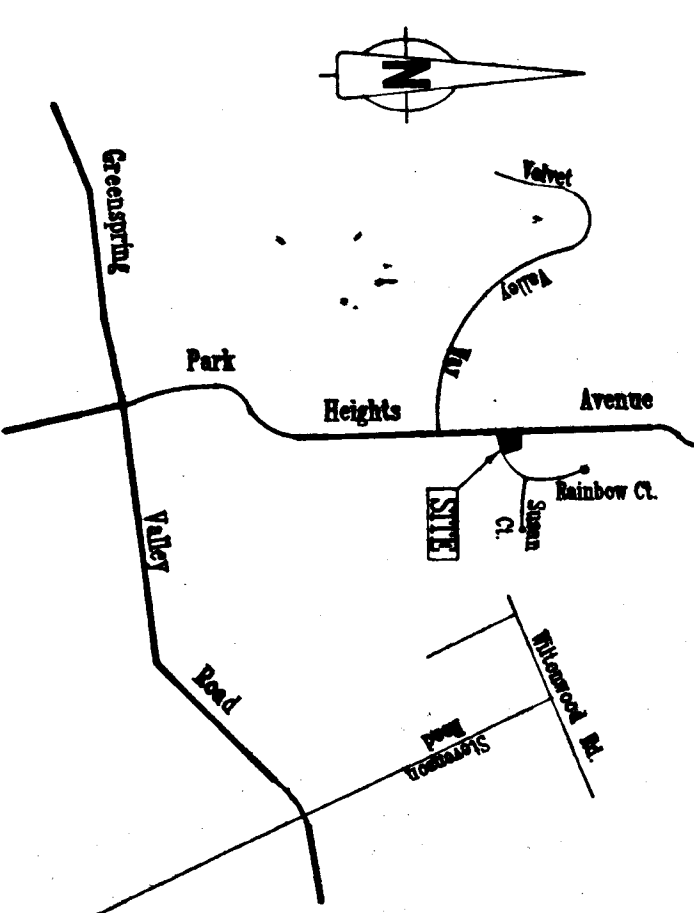


PARKING TABULATION	
- No. of Spaces Existing -	4
- No. of Proposed Spaces -	0
- Required Spaces for Dwlg. -	2
- Required Spaces for office -	2
- Typical Parking Space	
Calculation -	4.5 per 1000 Sq. Ft. X 436 Total Sq. Ft. of Office = 1,962 Spaces Required

GENERAL NOTES

- Title Ref. L 12442 P 574
- Act # 030203801
- Map 59 Grid 14 Parcel 117
- Existing Zoning RC 5
- All adjoining property is Zoned RC 5
- Zoning Map # NW 12-P
- Zoning History/Previous Hearings - none
- Signs - none proposed
- Utilities - Private Water & Sewerage System
- There is no new construction planned at this time on this site.
- The property shown herein does not lie in any Flood Plain as designated on the Flood Insurance Rate Map community panel no. 240010 0240 B effective date March 2, 1981.

VICINITY MAP Scale 1" = 2000'



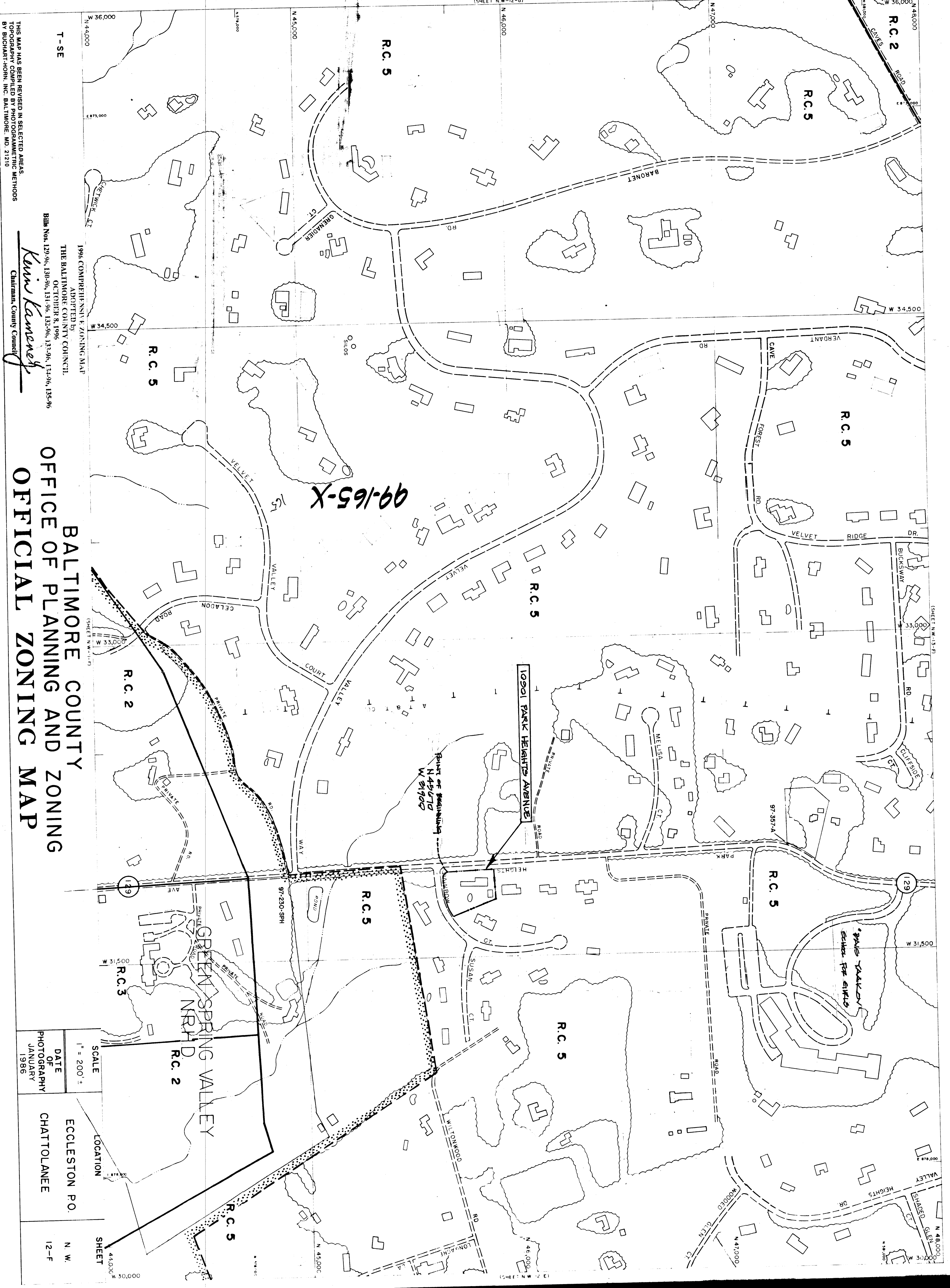
OWNER/DEVELOPER

Dr. Robert J. Gaudet
Deborah A. Yardeni
10901 Park Heights Avenue
Owings Mills, MD 21117 (Ph. 410-902-5493)

10901 PARK HEIGHTS AVENUE
3rd Election District 3rd Councilmanic District
Baltimore County Maryland 21117
Scale 1" = 30' Date October 8, 1998

"PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION HEARING"
TO ALLOW A MESSAGE THERAPEUTICAL OFFICE

99-165-X



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1994 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bill Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Karin Kamesky
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	ECCLESTON P.O.	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986	CHAATOLANEE	12-F